

REMARKS

The Examiner rejected claims 12-14 under 35 U.S.C. §102(e) as being anticipated by Kawesch. The Examiner rejected claims 1-11 under 35 U.S.C. §103(a) as being unpatentable over Kawesch in view of Glockler.

The amended claims recite creating a flow of air above the cornea from one side of the cornea to another side of the cornea. This is to be distinguished from Kawesch which directs air onto the cornea. The flow of air in Kawesch does not flow from one side to the other of the cornea.

Additionally, as stated in the applicant's last amendment, Kawesch actually dehydrates the cornea. This is completely opposite to the recited claim limitations that the air flow be at a distance so that the cornea is not dehydrated. Column 3, lines 27-29 of Kawesch states:

“After the corneal flap is repositioned, it is dried using a flat drying apparatus of the present invention.”.

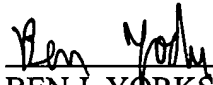
Kawesch is clearly dehydrating the cornea. It is the stated purpose and sole intention of the system disclosed in this reference. The applicant requests that the Examiner cite by column and line number that portion of Kawesch which discloses or suggests creating a flow of air so that the cornea is **not** dehydrated.

Kawesch does not disclose creating a flow of air to flow from one side of the cornea to the other in a manner so that the cornea is not dehydrated. For this reason Kawesch does not anticipate claims 12-14, nor, in combination render claims 1-11 obvious. In view of the

above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-14 at an early date is solicited.

Respectfully submitted,
IRELL & MANELLA, LLP

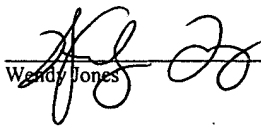
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Date 1/26/04